



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

HM21/0415

FELFE AND LYNCH  
805 THIRD AVENUE  
NEW YORK NY 10022

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/560,024	02/20/96	009	CAPUTA, A 1645	04/15/98
First Named Applicant	CHEN, YAO-ISENG			

**TITLE OF INVENTION** MONOCLONAL ANTIBODIES WHICH BIND TO TUMOR REJECTION ANTIGEN PRECURSOR  
MAGE-1, RECOMBINANT MAGE-1, AND MAGE-1 DERIVED IMMUNOGENIC PEPTIDE

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 LUD-5354.1-J	424-185.100	C99	UTILITY	YES	\$660.00	07/15/98

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

**I. Review the SMALL ENTITY status shown above.**

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

**II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.**

**III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.**

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# Notice of Allowability

Application No.  
08/560,024

Applicant(s)  
Chen et al.

Examiner  
Anthony C. Caputa

Group Art Unit  
1645



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to the entered after final amendment dated 3/13/98.

☒ The allowed claim(s) is/are 8-16 renumbered as claims 1-9

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☒ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

Art Unit: 1645

### EXAMINER'S AMENDMENT

1. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1645.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Norman Hanson on 13 April 1998.

3. The application has been amended as follows:

#### CLAIM

Claim 13. The word "protein" was deleted and the word --glycoprotein-- was inserted.

#### SPECIFICATION

The phrase "MONOCLONAL ANTIBODIES WHICH BIND TO TUMOR REJECTION ANTIGEN PRECURSON" of the original title is deleted and the phrase --TUMOR REJECTION ANTIGEN PRECURSOR-- was inserted.

On page 7, line 22 the series number 07 was inserted for USSN 807,043; 764,364; 728,838 and 707,702 (i.e. 07/807,043).

On page 10, line 11 the series number 08 was inserted for USSN 008,446.

Serial Number: 08/560,024

Page 3

Art Unit: 1645

On page 10, line 17, the series number 07 was inserted for USSN 994,928.

On page 11, line 22 the phrase "Figure 4" was deleted and the phrase --Figure 4A-C-- was inserted.

The continuation data of the instant application on page 1, line 1 as amended has been deleted.

The continuation data of the instant application on page 1, line 1 is as follows:

G' --The present application is a divisional of Serial No. 08/190,411, filed February 1, 1994, now issued as U.S. Patent No. 5,541,104, which is a continuation-in-part of Serial No. 08/037,230, filed March 26, 1993, which is a continuation-in-part of PCT Application PCT/US92/04354, filed May 22, 1992 designating the United States, which is continuation-in-part of Serial Number 07/807,043, filed December 12, 1991, now issued as U.S. Patent No. 5,342,774, which is a continuation-in-part of Serial No. 07/764,365, filed September 23, 1991, now abandoned, which is a continuation-in-part of Serial No. 07/728,838, filed July 9, 1991, now abandoned, which is a continuation-in-part of Serial No. 07/705,702, filed May 23, 1991, now abandoned.--

On page 18, line 10 as set forth in Applicants' Amendment dated March 18, 1996 (see Paper No. 3.5) the phrase "12301 Parklawn Road, Rockville Maryland 20852," was deleted and the phrase --10801 University Boulevard, Manassas, VA 20110-2209,-- was inserted.

**Oath/Declaration**

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

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Art Unit: 1645

A. The signatures of Pierre van der Bruggen and Thierry Boon-Falleur inventors of the instant application are not present in the oath and/or declaration submitted.

B. Alterations in the instant application have not been initialed and/or dated as is required by 37 CFR 1.52(c). A properly executed oath or declaration which complies with 37 CFR 1.67(a) and identifies the application by application number and filing date is required.


5. The art made of record and not relied upon is considered pertinent to applicant's disclosure.

Salgaller et al (Cancer Immunol. Immunother. 39:105-116 August 1994) teaches cytotoxicity of targets cells pulsed with a MAGE-1 decapeptide was superior to that of cell pulsed with the immunodominant peptide. Further Salgaller et al teaches single amino acid or even side chain substitutions in the immunodominant nonamer abrogated cytotoxicity (see abstract).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Anthony C. Caputa, Ph.D. whose telephone number is (703) -308-3995.

Anthony C. Caputa, Ph.D.

13 April 1998



ANTHONY C. CAPUTA  
PRIMARY EXAMINER